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**'I/A' ITEM NOTE**

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From: Presidency

To: Permanent Representatives Committee (Part 2)/Council

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No. prev. doc.: 9941/17

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Subject: Draft Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office

- Agreement in principle
- Request for the consent of the European Parliament

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1. On 17 July 2013, the Commission presented the proposal for a Regulation on the establishment of the European Public Prosecutor's Office <sup>1</sup>. The draft Regulation aims to set up a European Public Prosecutor's Office (EPPO) which will be responsible for investigating, prosecuting and bringing to judgment the perpetrators of, and accomplices to, criminal offences affecting the financial interests of the Union.

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<sup>1</sup> Document 12558/13.

2. Following the lack of unanimity registered in the Council of 7 February 2017 on the draft Regulation <sup>2</sup>, the referral of that draft Regulation to the European Council by a group of 17 Member States on 14 February 2017 and the discussion leading to a disagreement in the European Council of 9 March 2017, the European Parliament, the Council and the Commission were notified on 3 April 2017 of the wish of 16 Member States to establish enhanced cooperation on the establishment of the EPPO. In accordance with the third subparagraph of Article 86(1) TFEU, the authorisation to proceed with enhanced cooperation referred to in Article 20(2) TEU and Article 329(1) TFEU was thereby deemed to be granted and the provisions on enhanced cooperation applied as from 3 April 2017. Later on, four additional Member States have informed the three institutions that they wished to participate in the enhanced cooperation.
3. On 8 June 2017, the Council reached a general approach on the draft Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office <sup>3</sup>, the text of which was subsequently revised by the lawyer-linguists <sup>4</sup>.
4. The Council is invited to:
  - agree in principle on the draft Regulation as set out in document 9941/17, and
  - decide to forward the draft Regulation as set out in document 9941/17 to the European Parliament for consent.

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<sup>2</sup> Document 5766/17.

<sup>3</sup> Document 9545/2/17 REV 2.

<sup>4</sup> Document 9941/17.